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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,526	09/19/2003	Linda Owens Narhi	02-274-A	5581
20306 7590 12/28/2006 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606			EXAMINER XIE, XIAOZHEN	
			ART UNIT 1646	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			12/28/2006	
			DELIVERY MODE	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

DETAILED ACTION

Response to Amendment

Applicant's amendments of the specification and the claims received on 19 October 2006 have been entered.

Claims 5-14 and 18 have been cancelled. Claims 1-4, 15-17 and 19-21 are pending and under examination. The text of those sections of Title 35, U.S. Code, not included in this action can be found in a prior office action.

Specification/Drawings

The objection to the specification for failing to update cross-reference to related applications is withdrawn in response to Applicant's amendment of the specification.

The objection to the drawings/figures for containing Figures which consist only of nucleic acid or protein sequences, is withdrawn in response to Applicant's arguments.

Claim Objections Withdrawn

The objection to claim 1 for reciting non-elected inventions is withdrawn in response to Applicant's amendment of the claim.

Claim Rejections Maintained

Claims 1-4, 15-17, 19-21 remain rejected under 35 U.S.C. 102(e) as being anticipated by Ruben et al. (U.S. Patent No: 6,077,692, which has a provisional filing date on 13 August 1996) for reasons set forth in the previous office action (19 April 2006).

Art Unit: 1646

Applicant argues that since Applicant has not had access to the U. S. Provisional Application Nos: 60/039,045 (the '045 application, filed 13 February 1996) and 60/023,852 (the '852 application, filed 13 August 1996), and U. S. Application No: 08/461/195 (the '195 application, filed 7 June 1995), Applicant requests that the Examiner make a determination as to whether a KGF-2 polypeptide consisting of residues 65-208 of the KGF-2 protein is disclosed in the '045, '082, or '195 applications. Applicant argues that in absence of such a determination, the '692 patent is only entitled to the filing date of U. S. Application NO: 09/023,082 (the '082 application, filed 13 February 1998).

Applicant's arguments have been fully considered but have not been found to be persuasive.

A determination has been made in the previous office action, and a KGF-2 polypeptide consisting of residues 65-208 of the KGF-2 protein is disclosed by Ruben et al. (U.S. Patent No: 6,077,692) in the priority filing on 13 August 1996 (i.e., the '852 application).

Applicant may request access to the provisional application from the U. S. Patent Office following the procedures set forth in 37 C.F.R. 104(D).

Conclusion

NO CLAIM IS ALLOWED.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiaozhen Xie whose telephone number is 571-272-5569. The examiner can normally be reached on M-F, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary B. Nickol, Ph.D. can be reached 571-272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1646

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Xiaozhen Xie, Ph.D.
December 18, 2006


EILEEN B. O'HARA
PRIMARY EXAMINER